

Appl. No. 10/619,135
Amdt. Dated 03/07/05
Reply to Office Action of 01/31/05

Remarks/Arguments

The examiner has rejected claims 1-5 and 8 under 35 U.S.C. § 102(b) as being anticipated by the Gallagher reference. Applicant respectfully maintains the examiner has mischaracterized the Gallagher reference. Applicant's independent claims 1, 10, and 16 require the bottom portion of the front portion to be disposed generally about the waist of a user. The examiner asserts the tip of the v-shaped portion is the bottom width of the front portion (See Examiner's Response to Arguments, paragraph 6 on page 7). Applicant submits the tip portion of the v-shaped portion is not disposed generally about the waist of a user, therefore Gallagher does not teach all of applicant's claimed invention.

The examiner further asserts it would have been obvious to combine the straps of Tassie with the shirt of Gallagher to teach applicant's claimed invention. Applicant submits that because the back portion (17) of Gallagher is one-piece and the back portion of Tassie is bifurcated, the straps of Tassie are necessary to secure the bifurcated portions. Because the back portion of Gallagher is unitary, such securing means are not necessary and there is no suggestion or motivation to include the straps of Tassie. The shirt of Gallagher is intended to allow the minimization of clothing necessary to be worn by uniformed personnel, actors, and the like, without detracting from the appearance of the wearer (see col. 1, lines 53-55). Combining the first straps of Tassie with the shirt of Gallagher would add to the bulk of the shirt of Gallagher, not minimize it. Therefore, one having ordinary skill in the art would not make the combination suggested by the Examiner.

Furthermore, the shirt of Gallagher is reversible (see col. 1, lines 60-62), rendering the first straps difficult to operate when the shirt is reversed because the straps are attached to an exterior of the shirt and then attached to an interior of the shirt when the shirt is reversed. The first straps of Tassie buckle behind the shirt of Tassie, and buckling a strap behind a user's back from the inside of the shirt would be difficult to do. Therefore, one having ordinary skill in the art would not make the combination as suggested by the Examiner.

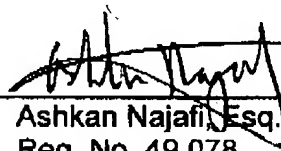
Appl. No. 10/519,135
Amdt. Dated 03/07/05
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In view of these considerations, it is respectfully submitted that the rejection of the original claims should be considered as no longer tenable. All dependent claims necessarily include the recitations of their independent claims and therefore are also in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the examiner consider necessary or desirable to make formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by examiner's Amendment, if the examiner feels this would facilitate passage of the case to issuance. Alternatively, should the examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned attorney.

Respectfully submitted,
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By



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